

## **EXHIBIT 5**

**UNITED STATES DISTRICT COURT**

**EASTERN DISTRICT OF LOUISIANA**

**IN RE: PROPULSID  
PRODUCTS LIABILITY LITIGATION** : **MDL NO. 1355**  
: **SECTION "L"**  
: **JUDGE FALLON**  
.....:

**THIS DOCUMENT RELATES TO ALL CASES:**

**ORDER**

A status conference was held in the chambers of Judge Eldon E. Fallon on this date. In attendance were Jim Irwin, Thomas Campion (by telephone) and Monique Garsaud for the defendants and Leonard Davis, Bob Wright, Daniel Becnel, Jr., and Roy Amedee, Jr. for the plaintiffs. At the conference the Court discussed arrangements for setting individual cases for trial.

IT IS ORDERED that the following individual claims in the following actions be set for trial on the dates indicated:

<u>Claimant</u>	<u>Civil Action No.</u>	<u>Dates of Trial</u>
Diez, Sr., Richard Joseph	00-2577	January 6 - 10, 2003
Reed, Samantha Ann	00-282	January 13 - 17, 2003

IT IS FURTHER ORDERED that one additional individual action, to be selected by the Plaintiffs' Steering Committee, shall be set for trial the week of January 21 - 24, 2003. Plaintiffs' Liaison Counsel shall inform the Court as well as Defense Liaison Counsel as to the action selected for trial by Friday, August 23, 2002 at 9:00 a.m.

IT IS FURTHER ORDERED that the Final Pretrial Conference shall be set for Monday, December 16, 2002 at 1:00 p.m. This conference will serve as the Final Pretrial Conference for all three actions set for trial in January 2003.

IT IS FURTHER ORDERED that the parties shall adhere to the following provisions in preparation for trial:

All pretrial motions, including motions *in limine*, regarding the admissibility of expert testimony, shall be filed and served in sufficient time to permit hearing thereon no later than November 27, 2002. Any motions filed in violation of this Order shall be deemed waived unless good cause is shown. All other motions *in limine* shall be allowed to be filed up to the time of trial or as otherwise ordered by the Court.

Counsel shall complete all disclosure of information as follows:

Written reports of experts, including treating physicians, who may be witnesses for Plaintiffs fully setting forth all matters about which they will testify and the basis therefor shall be obtained and delivered to counsel for Defendant as soon as possible, but in no event later than October 16, 2002.

Written reports of experts, including treating physicians, who may be witnesses for Defendants fully setting forth all matters about which they will testify and the basis therefor shall be obtained and delivered to counsel for Plaintiff as soon as possible, but in no event later than

November 18, 2002.

Counsel for the parties shall file in the record and serve upon their opponents a list of all witnesses who may or will be called to testify at trial and all exhibits which may or will be used at trial not later than November 4, 2002.

Initial disclosures pursuant to Federal Rule of Civil Procedure 26(a)(1) shall be completed by September 3, 2002 if they have not already been completed.

Depositions for trial use shall be taken and all discovery shall be completed not later than November 29, 2002.

The Court will not permit any witness, expert or fact, to testify or any exhibits to be used unless there has been compliance with this Order as it pertains to the witness and/or exhibits, without an order to do so issued on motion for good cause shown.

A Final Pretrial Conference will be held on Monday, December 16, 2003 at 1:00 p.m. In advance of this conference counsel shall present to the Court a Pretrial Order in conformity with the Final Pretrial Notice attached.

Trial will commence on the dates mentioned above before the District Judge with a jury at 8:30 a.m. Attorneys are instructed to report for trial not later than 30 minutes prior to this time. The starting time on the first day of a jury trial may be delayed or moved up because of jury pooling. Trial is estimated to last 5 day(s).

Deadlines, cut-off dates, or other limits fixed herein may only be extended by the Court upon timely motion filed in compliance with the Plan and Local Rules and upon a showing of good cause. Continuances will not normally be granted. If, however, a continuance is granted,

deadlines and cut off dates will be automatically extended, unless otherwise ordered by the court.

New Orleans, Louisiana, this 20th day of August, 2002.

/s/ Eldon E. Fallon  
UNITED STATES DISTRICT COURT JUDGE